

NOTE CHANGES MADE
BY THE COURT

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

ANGEL AGUIAR, Individually and on
Behalf of All Others Similarly Situated,

Plaintiff,

vs.

MERISANT COMPANY, and WHOLE
EARTH SWEETENER COMPANY,
LLC,

Defendants.

Civil No.: 2:14-cv-00670-RGK-AGR

Hon. R. Gary Klausner

**[PROPOSED] ORDER GRANTING
PLAINTIFF'S MOTION FOR
APPROVAL OF ATTORNEYS'
FEE AWARD, EXPENSE
REIMBURSEMENT, AND
INCENTIVE AWARD**

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Civ. No.: 2:14-cv-00670-RKG(AGR_x)

1 This matter having come before the Court on Plaintiff's motion for approval
 2 of attorneys' fee award, expense reimbursement, and incentive award; the Court
 3 having considered all papers filed and proceedings had herein and otherwise being
 4 fully informed of the premises and good cause appearing therefore,

5 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

6 1. This Order incorporates by reference the definitions in the Settlement
 7 Agreement dated August 18, 2014 (the "Settlement") entered into by and between
 8 Plaintiff Angel Aguiar ("Plaintiff") and Defendants Merisant Company and Whole
 9 Earth Sweetener Co., LLC (collectively, "Defendants"), and all capitalized terms
 10 used, but not defined herein, shall have the same meaning as in the Settlement.

11 2. The Court exercises diversity jurisdiction over this action pursuant to
 12 28 U.S.C. § 1332(d) and all matters relating thereto, including all members of the
 13 Settlement Class who have not timely and validly requested exclusion.

14 3. The Court finds that an award of attorneys' fees under the percentage-
 15 of-recovery method is proper in this case, and further finds that a fee award of ^{23%}~~30%~~
 16 of the Settlement Fund, which is ^{\$ 376,146}~~\$495,000.00~~, ~~including expenses~~, is fair,
 17 reasonable, and consistent with awards made in similar cases. The actual fee
 18 award is \$376,146, which is 23% of the Settlement Fund.

19 4. The Court has also performed a rough lodestar cross-check and finds
 20 that the hours and rates are reasonable for the amount and specialized type of work
 21 performed. Moreover, the multiplier is well within the range of reasonableness.
 22 *See, e.g. Wershba v. Apple Computer, Inc.*, 91 Cal. App. 4th 224, 225 (2001)
 23 ("Multipliers can range from 2 to 4 or even higher"); *Chavel v. Netflix, Inc.*, 162
 24 Cal. App. 4th 43, 66 (2008) (same).

25 5. The Court hereby awards Class Counsel attorneys' fees of ^{23%}~~30%~~ of the
 26 Settlement Fund, which is ^{\$ 376,146}~~\$495,000.00~~, ~~including expenses~~. Said attorneys' fees

1 ~~and expenses~~ shall be allocated by Class Counsel in a manner which in their good
 2 faith judgment reflects each counsel's contribution to the institution, prosecution,
 3 and resolution of the Litigation.

4 6. The Court also finds that ~~the request for reimbursement of expenses in~~
 5 ~~the aggregate amount of \$118,854.00, which is included in the total award of~~
 6 ~~\$495,000~~, is reasonable and should be awarded. *by the amount determined by application to the clerk of the court.*

7 7. The awarded attorneys' fees and expenses shall be paid from the *any awarded and order re: Bill of Costs*
 8 Settlement Fund immediately after the date this Order is executed, subject to the
 9 terms, conditions, and obligations of Agreement, and in particular §8.2 thereof,
 10 which terms, conditions, and obligations are incorporated herein.

11 8. Furthermore, the Court finds that the request for an incentive award
 12 for the named Plaintiff is fair and reasonable, and thus, awards Angel Aguiar
 13 \$4,000 from the Settlement Fund. *See Hopson v. Hanesbrands Inc.*, Case No. CV-
 14 08-0844 EDL, 2009 WL 928133, *10 (N.D. Cal. Apr. 3, 2009) ("In general, courts
 15 have found that \$5,000 incentive payments are reasonable."); *Rodriguez v. West*
 16 *Publ'g Corp.*, 563 F.3d 948, 958-59 (9th Cir. 2009) ("Incentive awards are fairly
 17 typical in class action cases."). The Court has reviewed the Declaration of Angel
 18 Aguiar and orders that she be awarded \$4,000.

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20 IT IS SO ORDERED.

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22 DATED: FEB 18 2015

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 MOTION FOR APPROVAL OF ATTORNEYS'
 FEE AWARD, EXPENSE REIMBURSEMENT,
 AND INCENTIVE AWARD

Gary Klausner
 HON. R. GARY KLAUSNER
 United States District Judge

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